

Docket No.: SEM-0005
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kimiyooshi Kobayashi et al.

Application No.: 10/535,192

Confirmation No.: 3875

Filed: May 18, 2005

Art Unit: 1795

For: FUEL CELL OPTIMUM OPERATING
POINT IN POWER SOURCE DEVICE
USING FUEL CELL, POWER TRACKING
SYSTEM, AND POWER SOURCE DEVICE
HAVING FUEL CELL OPTIMUM
OPERATING POINT TRACKING SYSTEM

Examiner: M. M. Wills

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Submitted herewith on Form PTO-1449 or PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 or PTO/SB/08 be returned in accordance with MPEP §609.

- ☒ A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§1.97 and 1.98
- ☒ excluding a copy of U.S. patent or U.S. patent application publication as waived by the U.S. Patent and Trademark Office, since this application was filed after June 30, 2003 or has entered the national stage under 35 U.S.C. § 371 after June 30, 2003 (1276 OG 55).

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

Concise Explanation of Relevancy of the Document

- ☒ A copy of a communication from a foreign patent office in a counterpart foreign application or international application is attached hereto. Please note that Japanese Laid Open Patent (JP 11 026002) is cited in the communication. Since the Japanese Laid Open Patent was submitted with the U.S. Patent and Trademark Office on May 18, 2005 by the applicant, it was not listed in the attached form PTO/SB/08/a.
- ☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action under 37 CFR §1.113, a notice of allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application. **No fee is required** in view of the statement below (37 C.F.R. §1.97(c)).
- ☒ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).

The Patent Office is **NOT AUTHORIZED** to charge deposit account 18-0013 in the amount of \$180.00 under 37 CFR §§ 1.97(d)(2) and 1.17(p).

- ☒ Please charge any fee deficiency or credit any overpayment to Deposit Account No. 18-0013 as needed to ensure consideration of the disclosed information.

Dated: June 30, 2009

Respectfully submitted,

By /Toshikatsu Imaizumi/
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